ANNO DECIMO SEXTO & DECIMO SEPTIMO

VICTORIÆ REGINÆ.

****

Cap. cxcix.

An Act for making a Railway from *Stamford Baron* in the County of *Northampton* to the *Great Northern* Railway at *Essendine* in the County of *Rutland*; and for other Purposes connected therewith. [15th *August* 1853.]

WHEREAS the Construction of a Railway from the Town of *Stamford* to the *Great Northern* Railway at *Essendine* in the County of *Rutland* would be of great public Benefit: And whereas it is expedient that Powers should be conferred on the Company to use certain Portions of the Lines of the *Great Northern* Railway Company, as herein-after defined: And whereas the Persons herein-after named, together with other Persons, are willing, at their own Expense, to carry such Undertaking into execution, but the same cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; (that is to say,)

The Stamford and Essendine Railway Act, 1853.

8 & 9 Vict. cc. 16. 18. & 20. incorporated with this Act.

I. That the "Companies Clauses Consolidation Act, 1845," the "Lands Clauses Consolidation Act, 1845," and "The Railways Clauses Consolidation Act, 1845," shall be incorporated with and form Part of this Act.

Short Title.

II. That in citing this Act it shall for all Purposes be sufficient to use the Expression "The *Stamford and Essendine* Railway Act, 1853."

Incorporation of Company.

III. That the Most Honourable *Brownlow*, Marquis of *Exeter*, Knight of the Most Noble Order of the Garter, and the Right Honourable *William Alleyne Cecil* commonly called Lord *Burghley*, *William Augustus Johnson* (a Lieutenant General in Her Majesty's Army), *Henry Bennett Pierrepont*, and *Charles Ormston Eaton*, Esquires, and all other Persons and Corporations who have already subscribed or shall hereafter subscribe to the Undertaking, and their Executors, Administrators, Successors, and Assigns respectively, shall be united into a Company for the Purpose of making and maintaining the Railway and Works herein-after mentioned, with proper Works and Conveniences belonging thereto, according to the Provisions of this Act, and for other the Purposes herein and in the said incorporated Acts contained, and for the Purposes aforesaid such Company shall be incorporated by the Name of "The *Stamford and Essendine* Railway Company," and by that Name shall be a Body Corporate, with perpetual Succession and a Common Seal, and shall have Power to purchase and hold Lands for the Purposes of the Undertaking, within the Restrictions herein and in the said incorporated Acts contained.

Capital.

IV. That the Capital of the Company shall be Fifty thousand Pounds, and the Numbers of Shares into which the said Capital shall be divided shall be One thousand, and the Amount of each Share shall be Fifty Pounds.

Power to raise Money by Creation of preferential Shares, and apply the same in purchasing Land for Railway.

V. That, subject to the Provisions of this Act, the Company may from Time to Time, with the Approbation of Three Fifths of the Shareholders present, in Person or by Proxy, at any Special Meeting of the Company convened for that Purpose, form any Portion or Portions (not exceeding in Value the Sum of Ten thousand Pounds in the whole) of the Shares of the Company into One Class, and may attach to such Class such guaranteed, preferential, perpetual, terminable, or other Dividend, not exceeding the Rate of Five Pounds in the Hundred, and such other Privileges as the Company from Time to Time may think fit, for the Purpose of applying such Shares from Time to Time in or towards Payment for the Land to be taken for the Purposes of the said Railway, where the Owners of such Land

Land shall be seised in Fee Simple thereof, or entitled to dispose of the same for their own Benefit, and willing to accept such Shares instead of Money, but for no other Purpose.

Amount of preferential Shares.

VI. That the said preferential Shares shall be of such Amount respectively as the Company may from Time to Time think fit to provide.

Preferential Shares to vest in Owners.

VII. That the said preferential Shares shall vest in and belong to such Owners who shall accept the same as and from the Day of the Date of the Conveyance to the Company of the Land in respect of which such Shares may be given.

Calls.

VIII. That (except as regards such preferential Shares) Ten Pounds *per* Share shall be the greatest Amount of any One Call which the Company may make on the Shareholders, and Thirty Pounds *per* Share shall be the utmost aggregate Amount of Calls that may be made in any One Year upon any Share, and Two Months at the least shall be the Interval between successive Calls.

Interest or Dividend not to be paid on Calls.

IX. That it shall not be lawful for the Company, out of any Money by this Act authorized to be raised by Calls in respect of Shares, or by the Exercise of any Power of borrowing, to pay Interest or Dividend to any Shareholder on the Amount of Calls made in respect of the Shares held by him in the Capital by this Act authorized to be raised: Provided always, that nothing herein contained shall be deemed to prevent the Company from paying to any Shareholder such Interest on Money advanced by him beyond the Amount of Calls actually made as shall be in conformity with the Provisions in "The Companies Clauses Consolidation Act, 1845," in that Behalf contained.

Deposit on future Bills not to be paid out of Company's Capital.

X. That it shall not be lawful for the Company, out of any Money by this Act authorized to be raised, to pay or deposit any Sum of Money which by any Standing Order of either House of Parliament, now in force or hereafter to be in force, may be required to be deposited in respect of any Application to Parliament for the Purpose of obtaining an Act authorizing the Company to construct any other Railway or execute any other Work or Undertaking.

Power to borrow Money on Mortgage.

XI. That it shall be lawful for the Company to borrow on Mortgage or Bond any Sum not exceeding in the whole Sixteen thousand Pounds, but no Part of such Sum shall be borrowed until the whole of the said Capital or Sum of Fifty thousand Pounds shall have been subscribed for, and One Half Part thereof shall have been actually paid up; and all Monies, whether raised by Shares or Mortgage, shall be

be applied in carrying out the Purposes of this Act only, and for no other Purpose.

For Appointment of Receiver.

XII. That it shall be lawful for the Mortgagees of the Company to enforce the Payment of the Arrears of Principal and Interest due on any such Mortgages by the Appointment of a Receiver; and in order to authorize the Appointment of such Receiver, in the event of the Principal Money due on such Mortgages not being duly paid, the Amount owing to the Mortgagees by whom Application for such Receiver shall be made shall not be less than Five thousand Pounds in the whole.

First Ordinary Meeting.

XIII. That the First Ordinary Meeting of the Company shall be held within Three Months next after the passing of this Act.

Quorum.

XIV. That the Quorum of every General Meeting of the Company shall be Four or more Shareholders holding in the aggregate not less than Two thousand Pounds in the Capital of the Company.

Number and Qualification of Directors.

XV. That the Number of Directors of the Company shall be Four, and the Qualification of a Director shall be the Possession in his own Right of Six Shares in the Undertaking.

Quorum of Directors.

XVI. That the Quorum of a Meeting of Directors shall be Three.

First Directors.

XVII. That the Right Honourable the Lord *Burghley*, *William Augustus Johnson*, *Henry Bennett Pierrepont*, and *Charles Ormston Eaton* shall be the First Directors of the said Company.

Term of their Office.

XVIII. That the Directors herein-before appointed shall continue in Office until the First Ordinary Meeting to be held after the passing of this Act; and at such Meeting the Shareholders present, personally or by Proxy, may either continue in Office the Directors appointed by this Act, or any Number of them, or may elect a new Body of Directors, or Directors to supply the Places of those not continued in Office, the Directors appointed by this Act being eligible as Members of such new Body.

Subsequent Election of Directors.

XIX. That at the First Ordinary Meeting to be held in every Year thereafter the Shareholders present, personally or by Proxy, shall elect Persons to supply the Places of such of the Directors as shall then, in accordance with the Provisions contained in "The Companies Clauses Consolidation Act, 1845," retire from Office; and the several Persons elected at any such Meeting, being neither removed or disqualified, nor having resigned, shall continue to be Directors until others are elected in their Stead, as in the last-mentioned Act is provided.

XX. That

Newspapers for Advertisements.

XX. That all Advertisements relating to the Affairs of the Company shall be inserted in at least One of the Papers published in the Borough of *Stamford*.

Power to make Railway, &c. according to deposited Plans.

XXI. That whereas Plans and Sections of the proposed Railway and Works, showing the Line and Levels thereof, and also a Book of Reference thereto, containing the Names of the Owners, Lessees, and Occupiers, or reputed Owners, Lessees, and Occupiers of the Lands through which the same are intended to pass, or which may be required for the Purposes of the Undertaking, have been deposited with the Clerk of the Peace for the County of *Northampton*, and with the Clerk of the Peace for the Parts of *Kesteven* in the County of *Lincoln*, and with the Clerk of the Peace for the County of *Rutland*: The said Railway and the Works may be made in the Line and upon the Lands delineated upon the Plans and described in the said Book of Reference, and according to the Levels described in the said Sections, and it shall be lawful for the Company to enter upon, take, and use such of the said Lands as shall be necessary for the Purposes thereof.

Line of Railway.

XXII. That the said Railway shall commence in the Parish of *Saint Martin Stamford Baron* in the County of *Northampton*, and shall terminate in the Parish of *Essendine* in the County of *Rutland* by a Junction with the Railway belonging to the *Great Northern* Railway Company at or near a Bridge or Culvert under the last-mentioned Railway near to and on the South Side of the *Essendine* Station of the same Railway.

For the Protection of Lands at Stamford from Floods.

XXIII. That, subject to the Provisions herein and in the said Acts incorporated herewith contained, the Company shall widen, to an Extent not exceeding Fifty Yards, the Mouth of a certain Waste Water Weir in the Parish of *Saint George* with *Saint Paul* annexed in the County of *Lincoln*, and the Parish of *Saint Martin* in the County of *Northampton*, or One of them, near to and on the West Side of the Mill called *Hudd's Mill*, for the more effectual Discharge of Flood Waters in the upper Stream of the River *Welland*, and for the Purposes aforesaid the Company may take and enter upon and use any Lands delineated on the said Plan and described in the said Books of Reference as may be necessary for such Purpose: Provided always, that in the Exercise of the Powers by this Act and the Acts incorporated herewith granted to the Company they shall do as little Damage as may be, and shall make full Satisfaction, in manner herein and in the incorporated Acts provided, to all Parties interested, for all Damage by them sustained by reason of the Exercise of such Powers.

Power to cross Road on the Level.

XXIV. That, subject to the Provisions in this Act and in "The Railway Clauses Consolidation Act, 1845," contained in reference to the crossing of Roads on the Level, it shall be lawful for the Company in the Construction of the said Railway to carry the same on the Level across the Road numbered 20 in the Parish of *Ryhall-cum-Belmins-thorpe* on the said deposited Plan.

Company to erect a Station or Lodge at Point of Crossing, and abide by Rules, &c. of the Board of Trade.

XXV. That the Company shall erect and permanently maintain either a Station or Lodge at the Point where the Railway crosses the before-mentioned Road on the Level, and the said Company shall be subject to and abide by all such Rules and Regulations with regard to the crossing of such Road on the Level, and with regard to the Speed at which such Trains shall pass such Points, as may from Time to Time be made by the Lords of the Committee of Her Majesty's Privy Council for Trade and Foreign Plantations (hereinafter called the Board of Trade); and if the Company shall fail to erect or at all Times maintain any such Station or Lodge, or appoint a proper Person to watch or superintend the Crossing at such Lodge or Station, or to observe or abide by any such Rule or Regulation as aforesaid, they shall for every such Offence be liable to a Penalty of Twenty Pounds, and also to a daily Penalty of Ten Pounds for every Day such Offence shall continue after such Penalty of Twenty Pounds shall have been incurred.

Board of Trade may require a Bridge to be erected instead of level Crossing.

XXVI. That it shall be lawful for the Board of Trade, if it shall appear to them to be necessary for the Public Safety, at any Time, either before or after the Railway hereby authorized to be carried across the said Road on the Level shall have been completed or opened for public Traffic, to require the Company, within such Time as the said Board of Trade shall direct, and at the Expense of the Company, to carry the herein-before-mentioned Road either over or under the Railway by means of a Bridge or Arch, in lieu of crossing the same on the Level, or to execute such other Works as under the Circumstances of the Case shall appear to the said Lords Committee best adapted for removing or diminishing the Danger arising from such level Crossing: Provided always, that if such Road shall be so carried either under or over the Railway it shall not be necessary for the Company to erect or maintain any Station or Lodge at the Point where such Road was intended to be crossed on the Level, nor to appoint any Person to watch or superintend the crossing thereat, nor shall they be liable to any of the aforesaid Penalties for failing to do so.

Provision for the Use by the Company of the Great

XXVII. That it shall be lawful for the Company to use, and run over with their Engines, Waggons, and Carriages of every Description, so much and such Part of the said *Great Northern* Railway as is situate between

between the Point of Junction of the said Railway hereby authorized to be made with the said *Great Northern* Railway and the *Essendine* Station of the said *Great Northern* Railway, and to use the said last-mentioned Station, and the Watering Places, Works, Booking and other Offices, Warehouses, and Conveniences connected therewith, or any of them, or such Parts thereof as shall be reasonably required for giving to the Engines, Waggons, and Carriages of the Company hereby incorporated Access to the said Station, and for the Traffic of the said Company, upon such Terms and Conditions, and on Payment of such Tolls, Charges, Rent, or other Consideration, as may be agreed upon between the Company hereby incorporated and the Company for the Time being interested in the said Station, and other Works and Conveniences aforesaid; or, failing such Agreement, on such Terms and Conditions, and on Payment of such Tolls, Charges, Rent, or other Consideration, as shall from Time to Time be determined by Two Referees, One to be named by each of the said Companies, or by an Umpire to be appointed by and between the same Referees in case of Difference, or if either of the Parties shall fail for a Period of Fourteen Days to appoint a Referee, or if such Referees cannot agree as to such Umpire, then by an Umpire to be appointed by the Board of Trade, on the Application of either of the said Parties; and the Decision of such Referees or Umpire respectively shall be final and binding on the Parties; and it shall not thereafter be lawful for the said *Great Northern* Railway Company to demand or levy, in respect of the Traffic or passing to or from or over their said Railway, any Tolls or Charges, other than such as shall be fixed by such Agreement or Arbitration, anything in this Act to the contrary thereof in anywise notwithstanding.

Northern Railway.

XXVIII. That the Communication between the Railways hereby authorized to be made and the *Great Northern* Railway, and all such Openings in the Ledges or Flanches of that Railway as may be necessary or convenient for effecting such Communications, shall be made and maintained at the sole Expense of the Company hereby incorporated, but under the Direction and Superintendence of the Engineer for the Time being of the *Great Northern* Railway Company; and in case of any Difference arising between the Engineer of the Company and that of the *Great Northern* Railway Company as to the Mode of effecting such Communications, then the same shall be determined by a Referee, to be appointed on the Application of either Company by the Board of Trade.

Communications with Great Northern Railway to be made under the Direction of their Engineer.

XXIX. That nothing in this Act contained shall extend or be deemed or construed to extend to authorize or enable the Company hereby incorporated to take or enter upon any of the Lands belonging to the *Great Northern* Railway Company, or to alter, vary, or interfere with

Not to interfere with the Works of the Great Northern Railway

Company without Consent.

with the said *Great Northern* Railway, or any of the Works thereof, further or otherwise than is necessary for the convenient Junction and Intercommunication between the *Great Northern* Railway and the Railway hereby authorized, without the Consent in Writing of the *Great Northern* Railway Company in every Instance for that Purpose first had and obtained.

Saving Rights of the Great Northern Railway Company.

XXX. That nothing in this Act contained shall extend to prejudice, diminish, alter, or take away any of the Rights, Privileges, or Powers of the *Great Northern* Railway Company, otherwise than is herein expressly provided.

Clerks, Porters, &c. of Great Northern Railway to be employed on that Railway.

XXXI. Provided always, That nothing herein contained shall authorize the Company hereby incorporated to appoint any Superintendent, Clerk, Porter, or other Officer or Servant on the *Great Northern* Railway, or in any Station thereof, but that all the Persons employed in conducting the Passenger or other Traffic of the Company upon the said Railway or Stations (excepting the Engine-men, Guards, and other Persons actually engaged in the Conduct of the Trains of the Company,) shall be employed and paid by the *Great Northern* Railway Company, who shall be repaid by the Company all reasonable Expenses so incurred by them; provided also, that all Persons so engaged as aforesaid in the Conduct of the Trains of the Company whilst on the *Great Northern* Railway or in the Stations thereof shall obey the Byelaws and Regulations of the *Great Northern* Railway Company.

Provision for the Use of the Line by the Great Northern Railway Company.

XXXII. That the Company shall allow the *Great Northern* Railway Company, with Engines, Waggons, and Carriages, to pass over and use the Railway by this Act authorized to be made, or any Part of the same, and also to use all Stations, Sidings, Works, Conveniences, Booking and other Offices and Warehouses, Watering Places, and other Conveniences connected therewith, on such Terms and Conditions, and on Payment of such Tolls, Charges, (not exceeding the Tolls and Charges which the Company shall for the Time being be authorized to take on the Railway by this Act authorized,) Rent, or other Consideration as may be agreed upon between the Parties respectively, or, failing such Agreement, on such Terms and Conditions, and on Payment of such Tolls, Charges, (not exceeding such Tolls and Charges as aforesaid,) Rent, or other Consideration, as shall from Time to Time be determined by Two Referees, One to be named by each of the said Companies, or by an Umpire to be appointed by and between the said Referees, in case of Difference, or if either of the Parties shall fail for a Period of Fourteen Days to appoint a Referee, or if such Referees cannot agree as to such Umpire, then by an Umpire to be appointed by the Board of

of Trade, on the Application of either of the said Parties; and the Decision of such Referee or Referees shall be final and binding on the Parties, and it shall not thereafter be lawful for the Company to demand or levy in respect of the Traffic so passing to or from or over such Railway any Tolls or Charges other than such as shall be fixed by such Agreement or Arbitration, anything in this Act to the contrary thereof in anywise notwithstanding.

Agreements not to affect Third Parties.

XXXIII. Provided always, That no such Agreement or Arbitration as aforesaid shall in any Manner alter, affect, increase, or diminish any of the Tolls which the respective Companies, Parties to such Agreement or Arbitration, shall for the Time being be respectively authorized and entitled to demand or receive from any Person or other Company, but that all other Persons and Companies shall, notwithstanding any such Agreement or Arbitration, be entitled to the Use and Benefit of the said Railways upon the same Terms and Conditions and on Payment of the same Tolls as they would have been in case no such Agreement or Arbitration had been entered into or made.

Company not to take Railway of Midland Railway Company without Consent.

XXXIV. Provided always, That nothing in this Act contained shall authorize the Company to purchase, take, or interfere with the Railway of the *Midland* Railway Company numbered on the Plans deposited as aforesaid 20 in the Parish of *Saint Martin Stamford Baron* in the County of *Northampton*, without the Consent of the *Midland* Railway Company first had and obtained.

Lands for extraordinary Purposes.

XXXV. That the Quantity of Land to be taken by the Company for extraordinary Purposes shall not exceed Ten Acres.

Limiting Time for compulsory Purchase of Lands.

XXXVI. That the Power of the Company for the compulsory Purchase of Lands for the Purpose of this Act shall not be exercised after the Expiration of Two Years from the passing of this Act.

Limiting Term for Exercise of other Powers.

XXXVII. That after the Expiration of Three Years from the passing of this Act all the Powers hereby granted to the Company for making the Railway and Works hereby authorized, or otherwise in relation thereto, shall cease to be exercised, except as to so much of the same as shall then be completed.

Security for Completion of Railway within Time limited.

XXXVIII. Whereas, pursuant to the Standing Orders of both Houses of Parliament, and to an Act of the 9th Year of Her present Majesty, Chapter 20, the Sum of Three thousand seven hundred and fifty Pounds, being One Tenth Part of Three Fourths of the Amount of the Estimate of the Expense of the Railway authorized by this Act, has been deposited with the Court of Chancery in *England* in respect

of the Application to Parliament for this Act: Be it enacted, That, notwithstanding anything contained in the said recited Act, the said Sum of Three thousand seven hundred and fifty Pounds so deposited as aforesaid in respect of the Application for this Act, or the Interest or Dividends of such Sum of Money, shall not, except upon the Execution and Deposit of such Bond as herein-after mentioned, be paid or transferred to or on the Application of the Person or Persons or the Majority of the Persons named in the Warrant or Order issued in pursuance of the said Act, or the Survivor or Survivors of them, unless the said Company shall, previously to the Expiration of the Period limited by this Act for Completion of the Railway hereby authorized to be made, either open the said Railway for the public Conveyance of Passengers, or prove to the Satisfaction of the Lords of the Committee of Her Majesty's Privy Council for Trade and Foreign Plantations that the said Company have paid up One Half of the Amount of the Capital by this Act authorized to be raised by means of Shares, and have expended for the Purposes of this Act a Sum equal in Amount to such One Half of the said Capital; and if the said Period shall expire before the said Company shall either have opened the said Railway for the public Conveyance of Passengers, or have given such Proof as aforesaid to the Satisfaction of the Lords of the said Committee, the said Sum of Money deposited as aforesaid, and the Interest and Dividends thereof, shall immediately from and after the Expiration of the said Period be forfeited to Her Majesty, and be paid and transferred by the Officer or Person in whose Name they shall then be deposited or invested to the Account of Her Majesty's Exchequer, and when so paid and transferred shall be carried to and form Part of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*; provided that at any Time after the passing of this Act, if a Bond in twice the Amount of the said Sum of Three thousand seven hundred and fifty Pounds shall have been executed by the said Company, with One or more Sureties (such Bond to be prepared to the Satisfaction of and such Surety or Sureties to be approved by the Solicitor to the Lords Commissioners of Her Majesty's Treasury) conditioned for Payment to Her Majesty, Her Heirs or Successors, of the said Sum of Three thousand seven hundred and fifty Pounds if the said Company shall not, within the Time limited for the Completion of the said Railway, either open the said Railway for the public Conveyance of Passengers, or prove to the Satisfaction of the Lords of the said Committee that the said Company have paid up One Half of the Amount of the said Capital by this Act authorized to be raised by means of Shares, and have expended for the Purposes of this Act a Sum equal in Amount to such One Half of the said Capital; and if such Bond shall have been deposited with the said Solicitor to the said Lords Commissioners, then such Sum of Money, and the Interest or Dividends thereof, shall be paid to or on the Application of the Person or Persons or the Majority

Majority of the Persons named in such Warrant or Order as aforesaid, or the Survivors or Survivor of them, or the Executors or Administrators of such Survivor, and it shall not be necessary to produce any Certificate of this Act having passed, anything in the said recited Act to the contrary notwithstanding; and the Monies to be recovered upon such Bond shall be dealt with in like Manner as the said Sum of Money, and the Interest or Dividends thereof, would have been dealt with under this Act if such Bond had not been executed and deposited as aforesaid; and the Certificate of the said Solicitor to the said Lords Commissioners that such Bond has been executed and deposited as aforesaid, and the Certificate of the Lords of the said Committee that such Proof has been given to their Satisfaction as aforesaid, shall respectively be sufficient Evidence of the Facts so certified.

Power to take Tolls.

XXXIX. That it shall be lawful for the Company to demand any Tolls for the Use of the said Railway, not exceeding the following; that is to say,

In respect of the Tonnage of all Articles conveyed thereon or upon any Part thereof, and included within the following Classes:

Class 1. For all Compost, Dung, and all Sorts of Manure, Lime and Limestone, and all undressed Materials for the Repair of Roads or Highways, Coals, Ironstone and Iron Ore, *per* Ton *per* Mile not exceeding One Penny; and if conveyed in Carriages belonging to the Company, an additional Sum *per* Ton *per* Mile not exceeding One Halfpenny; and if propelled by an Engine belonging to the Company, a further Sum *per* Ton *per* Mile not exceeding One Halfpenny:

Class 2. For all Coals, Coke, Culm, Charcoal, and Cinders, all Stones for building, pitching and paving, all other Stones, all Bricks, Tiles, Slates, Clay, Sand, Pig Iron, Bar Iron, Rod Iron, Hoop Iron, and all other similar Descriptions of Wrought Iron and Iron Castings not manufactured into Utensils or other Articles of Merchandise, *per* Ton *per* Mile not exceeding One Halfpenny; and if conveyed in Carriages belonging to the said Company, an additional Sum *per* Ton *per* Mile not exceeding One Halfpenny; and if propelled by an Engine belonging to the Company, a further Sum *per* Ton *per* Mile not exceeding One Halfpenny:

Class 3. For all Sugar, Grain, Corn, Flour, Hides, Dyewoods, Earthenware, Timber, Deals, Metal (except Iron), Nails, Anvils, Vices, and Chains, *per* Ton *per* Mile not exceeding Twopence; and if conveyed in Carriages belonging to the Company, an additional Sum *per* Ton *per* Mile not exceeding Three Farthings; and if propelled by an Engine belonging to the Company, an additional Sum *per* Ton *per* Mile not exceeding One Halfpenny:

Class 4. For all Cotton and other Wools, Drugs, manufactured Goods, and other Wares, Merchandise, Fish, Articles, Matters, or Things, *per* Ton *per* Mile not exceeding Threepence; and if conveyed in Carriages belonging to the Company, an additional Sum *per* Ton *per* Mile not exceeding One Penny; and if propelled by an Engine belonging to the Company, a further Sum *per* Ton *per* Mile not exceeding One Halfpenny:

Class 5. For every Carriage, of whatever Description, not being a Carriage adapted and used for travelling on a Railway, and not weighing more than One Ton, *per* Mile not exceeding Sixpence; and if any such Carriage be conveyed on a Truck or Platform belonging to the Company, an additional Sum *per* Mile not exceeding Twopence; and if propelled by an Engine belonging to the Company, a further Sum *per* Mile not exceeding Twopence; and the Sum of One Penny Halfpenny *per* Mile for every additional Quarter of a Ton or fractional Part of a Quarter of a Ton which any such Carriage may weigh; and if conveyed on a Truck or Platform belonging to the Company, an additional Sum not exceeding One Penny Halfpenny *per* Mile for every additional Quarter of a Ton or fractional Part of a Quarter of a Ton:

In respect of Animals conveyed in Carriages upon the Railway, as follows:

Class 6. For every Horse and Ass, or other Beast of Draught or Burden, conveyed in or upon any such Carriage, *per* Mile not exceeding Threepence; and if conveyed in or upon any Carriage belonging to the Company, an additional Sum *per* Mile not exceeding One Penny; and if such Carriage be propelled by an Engine belonging to the Company, a further Sum *per* Mile not exceeding One Halfpenny:

Class 7. For every Ox, Cow, Bull, or Neat Cattle conveyed in or upon any such Carriage, the Sum of Twopence *per* Mile; and if conveyed in or upon any Carriage belonging to the Company, an additional Sum *per* Mile not exceeding One Halfpenny; and if such Carriage be propelled by an Engine belonging to the Company, a further Sum *per* Mile not exceeding One Halfpenny:

Class 8. For every Calf or Pig, Sheep, Lamb, or other small Animal, conveyed in or upon any such Carriage, *per* Mile not exceeding One Halfpenny; and if conveyed in or upon any Carriage belonging to the Company, an additional Sum *per* Mile not exceeding One Farthing; and if propelled by an Engine belonging to the Company, a further Sum *per* Mile not exceeding One Farthing:

In respect of Passengers conveyed in Carriages upon the Railway, as follows:

For every Person conveyed in or upon any such Carriage, *per* Mile not exceeding Twopence; and if conveyed in or upon any Carriage

Carriage belonging to the Company, an additional Sum *per* Mile not exceeding One Penny; and if propelled by an Engine belonging to the Company, an additional Sum *per* Mile not exceeding One Penny.

Regulations respecting Tolls.

XL. That the following Provisions and Regulations shall be applicable to the fixing of such Tolls; (that is to say,)

For Articles or Persons conveyed on the Railway for a less Distance than Three Miles the Company may demand Tolls and Charges as for Three Miles:

For a Fraction of a Mile beyond Three Miles or beyond any greater Number of Miles the Company may demand Tolls and Charges for such Fraction in proportion to the Number of Quarters of a Mile contained therein, and a Fraction of a Quarter of a Mile shall be deemed a Quarter of a Mile:

For a Fraction of a Ton the Company may demand Toll according to the Number of Quarters of a Ton in such Fraction, and if there be a Fraction of a Quarter of a Ton such Fraction shall be deemed a Quarter of a Ton:

With respect to all Articles, except Stone and Timber, the Weight shall be determined according to the usual Avoirdupois Weight:

With respect to Stone and Timber, Fourteen Cubic Feet of Stone, Forty Cubic Feet of Oak, Mahogany, Teak, Beach, or Ash, and Fifty Cubic Feet of any other Timber, shall be deemed One Ton Weight, and so in proportion for every small Quantity.

Tolls for small Parcels and single Articles of great Weight.

XLI. That with respect to small Packages and single Articles of great Weight, be it enacted, That, notwithstanding the Rate of Tolls prescribed by this Act, the Company may lawfully demand the Tolls following; (that is to say,)

For the Carriage of small Parcels the Company may demand for Parcels not exceeding Seven Pounds Weight any Sum not exceeding Fourpence:

For Parcels exceeding Seven Pounds and not exceeding Fourteen Pounds any Sum not exceeding Eightpence:

For Parcels exceeding Fourteen Pounds and not exceeding Twenty-eight Pounds any Sum not exceeding One Shilling and Fourpence:

For Parcels exceeding Twenty-eight Pounds and not exceeding Fifty-six Pounds any Sum not exceeding Two Shillings:

And for Parcels exceeding Fifty-six Pounds and less than Five hundred Pounds the Company may demand any Sum which they may think fit: Provided always, that Articles sent in large aggregate Quantities, although made up of separate Parcels, such as Bags of Sugar, Coffee, Meal, and the like, shall not be deemed small Parcels, but such Terms shall apply only to single Parcels in separate Packages:

For the Carriage of any One Boiler, Cylinder, or single Piece of Machinery, or single Piece of Timber or Iron, or other single Article, the Weight of which, including the Carriage, shall exceed Four Tons but shall not exceed Eight Tons, the Company may demand any Sum not exceeding Sixpence *per* Ton *per* Mile; and if conveyed in or upon a Carriage belonging to the Company, an additional Sum *per* Ton *per* Mile not exceeding Sixpence; and if propelled by an Engine belonging to the Company, a further Sum *per* Ton *per* Mile not exceeding Twopence:

For the Carriage of any One Boiler, Cylinder, or single Piece of Machinery, or single Piece of Stone, Timber, or other single Article, the Weight of which, with the Carriage, shall exceed Eight Tons, the Company may demand such Sum as they shall think fit.

Power to take extra Tolls by Agreement.

XLII. That this Act, or anything herein contained, shall not prevent the Company from taking any increased Charges, over and above the Charges by this Act limited, for the Conveyance of Goods of any Description, by Agreement with the Owners or Persons in charge of such Goods, either by reason of any special Service performed by the Company in relation thereto, or in respect to the Conveyance of any Goods other than small Parcels by Passenger Trains, or in respect of the Conveyance of such Parcels by Express Trains.

Passengers Luggage.

XLIII. That every Passenger travelling upon the Railway may take with him his ordinary Luggage, not exceeding One hundred and twelve Pounds in Weight for First-class Passengers, Sixty Pounds in Weight for Second-class Passengers, and Fifty Pounds in Weight for Third-class Passengers, without any Charge being made for the Carriage thereof.

Maximum Tolls for Passengers.

XLIV. That the maximum Rates of Charge to be made by the Company for the Conveyance of Passengers upon the Railway, including the Tolls for the Use of the Railway, and of Carriages, and for locomotive Power, and every other Expense incidental to such Conveyance, shall not exceed the following Sums:

For every Passenger conveyed in a First-class Carriage, the Sum of Threepence *per* Mile:

For every Passenger conveyed in a Second-class Carriage, the Sum of Twopence *per* Mile:

For every Passenger conveyed in a Third-class Carriage, the Sum of One Penny *per* Mile:

Provided always, that if any Passenger be conveyed for a less Distance than Three Miles it shall be lawful for the Company to demand and receive Toll as for Three Miles, and for any Fraction of a Mile

a Mile beyond Three Miles it shall be lawful for the said Company to demand Toll in proportion to the Number of Quarters of a Mile contained therein, and a Fraction of a Quarter of a Mile shall be deemed a Quarter of a Mile.

Maximum Tolls for Goods.

XLV. That the maximum Rate of Charge to be made by the Company, including the Tolls for the Use of the Railway, and of Carriages, and for locomotive Power, and every other Expense incidental to such Conveyance, except the loading, covering, and unloading, and the Delivery or Collection of Goods, when such Services, or any of them, are performed by the Company, and except a reasonable Sum for Warehouse and Wharfage, shall not exceed the Amounts mentioned in the following Table; (that is to say,)

For Matters herein-before mentioned in Class 1. not exceeding Twopence *per* Ton *per* Mile:

For Matters mentioned in Class 2. not exceeding Twopence Halfpenny *per* Ton *per* Mile:

For Matters mentioned in Class 3. not exceeding Threepence *per* Ton *per* Mile:

For Matters mentioned in Class 4. not exceeding Fourpence *per* Ton *per* Mile:

For any Carriage mentioned in Class 5. not weighing more than One Ton not exceeding Sixpence *per* Mile, and if weighing more than One Ton not exceeding One Penny Halfpenny *per* Mile for every Quarter of a Ton or fractional Part of a Quarter of a Ton above One Ton:

For everything mentioned in Class 6. not exceeding Fourpence *per* Mile:

For everything mentioned in Class 7. not exceeding Twopence Halfpenny *per* Mile:

For everything mentioned in Class 8. not exceeding One Penny *per* Mile:

Provided always, that if any such Animals, Goods, Articles, Matters, or Things shall be conveyed for a less Distance than Three Miles, it shall be lawful for the Company to demand and receive Tolls as for Three Miles, and for any Fraction of a Mile beyond Three Miles it shall be lawful for the said Company to demand Toll in proportion to the Number of Quarters of a Mile contained therein, and a Fraction of a Quarter of a Mile shall be deemed a Quarter of a Mile.

Restriction as to Charges not to apply to special Trains.

XLVI. That the Restriction as to the Charge to be made for Passengers shall not extend to any special Train that may be required to be run upon the said Railway, but shall apply only to the ordinary and express Trains appointed or to be appointed from Time to Time by the said Company for the Conveyance of Passengers and Goods upon the said Railway.

XLVII. That

Expenses of Act.

XLVII. That all the Costs, Charges, and Expenses of and attending the obtaining and passing of this Act, or incidental thereto, shall be paid by the Company.

Railway to be subject to Provisions of 1 & 2 Vict. c. 98., 3 & 4 Vict. c. 97., 5 & 6 Vict. c. 55., 7 & 8 Vict. c. 85., 9 & 10 Vict. c. 57., and 14 & 15 Vict. c. 64.

XLVIII. That whereas an Act was passed in the Second Year of the Reign of Her present Majesty, intituled *An Act for the Conveyance of the Mails by Railway*; and another Act was passed in the Fourth Year of the Reign of Her present Majesty, intituled *An Act for regulating Railways*; and another Act was passed in the Sixth Year of the Reign of Her present Majesty, intituled *An Act for the better Regulation of Railways, and for the Conveyance of Troops*; and another Act was passed in the Eighth Year of the Reign of Her said Majesty, intituled *An Act to attach certain Conditions to the Construction of future Railways authorized or to be authorized by any Act of the present or succeeding Sessions of Parliament, and for other Purposes in relation to Railways*; and another Act was passed in the Tenth Year of the Reign of Her said Majesty, intituled *An Act for regulating the Gauge of Railways*; and another Act was passed in the Fifteenth Year of the Reign of Her said Majesty, intituled *An Act to repeal the Act for constituting Commissioners of Railways*: Nothing in this Act contained should be held to exempt the said Railway or the said Company from the Provisions of the said several Acts respectively, but that such Provisions shall be in force in respect to the said Railway and Company so far as the same shall be applicable thereto.

Railway not exempt from Provisions of future General Acts.

XLIX. That nothing herein contained shall be deemed or construed to exempt the said Railway or Company from the Provisions of any General Act relating to this Act, or of any General Act relating to Railways, or to the better or more impartial Audit of the Accounts of Railway Companies, now in force or which may hereafter pass during the present or any future Session of Parliament, or from any future Revision and Alteration, under the Authority of Parliament, of the maximum Rates of Fares and Charges or of the Tolls for small Parcels authorized by this Act.

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